

**TENNESSEE BOARD OF REGISTRATION IN PODIATRY  
MINUTES**

**DATE:** August 19, 2004

**TIME:** 9:00 a.m., C.S.T.

**LOCATION:** Cumberland Room  
Ground Floor, Cordell Hull Building  
Nashville, TN

**MEMBERS**

**PRESENT:** Donald Skwor, DPM, Chair  
Dennis Bizzoco, DPM  
David Long, DPM  
Aaron Perkins, DPM

**MEMBERS**

**ABSENT:** Shannon Bottoms

**STAFF**

**PRESENT:** Janice Williams, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Rick Agee, Unit Director  
Barbara Maxwell, Administrative Director  
Jerry Kosten, Rules Coordinator

Dr. Skwor, chair, called the meeting to order at 9:05 a.m., on August 19, 2004. A sufficient number of board members were present to constitute a quorum.

**Review Minutes**

Dr. Skwor said the board members were mailed a copy of the February minutes and asked if anyone had any changes. With no changes to be made, Dr. Bizzoco made a motion, seconded by Dr. Long, to accept the minutes as written. The motion carried.

**Review Conflict of Interest Policy**

Mr. Armstrong, advisory attorney, reviewed the conflict of interest policy with the board asking the members to disclose any interest they may have in any matters brought before the board to determine if the member should be recused from the proceeding.

**Review and Approve Disciplinary Guidelines**

Ms. Armstrong said the disciplinary guidelines were drafted by Ms. Bell resulting from an audit by the Comptroller's Office in which it was noted that disciplinary guidelines were not in place.

Dr. Perkins made a motion, seconded by Dr. Bizzoco, to table this until the next meeting in order to give the board members a chance to review the guidelines. The motion carried.

### **Report from Jerry Kosten, Rules Coordinator**

Mr. Kosten said he was instructed by the Director of Health Related Boards to amend Rule 1155-2-.02, scope of practice, to state that licensed podiatrists may order diagnostic tests from licensed medical laboratories. Mr. Kosten said this came as a result of a laboratory not accepting diagnostic tests from podiatrists because it is not documented in the rules.

Mr. Kosten said upon approval by the board a rulemaking hearing will be conducted on December 15, 2004 to amend Rules 1155-2-.02, scope of practice, Rule 1155-2-.04, qualifications for licensure, Rule 1155-2-.08 examinations, Rule 1155-2-.12(1)(a), continuing education and new Rule 1155-2-.21 advertising.

Upon review, Dr. Long made a motion, seconded by Dr. Bizzoco, to approve the rules as amended with the exception of Rule 1155-2-.12(1)(a) regarding continuing education. The motion carried.

Dr. Perkins made a motion, seconded by Dr. Long, to amend Rule 1155-2-.21, advertising, to include the wording podiatry, podiatrist or DPM. A roll call vote was conducted and all board members voted in the affirmative with the exception of Dr. Skwor who opposed.

### **Licensure Denial Appeal for Gregory Kramer, DPM**

Administrative Law Judge Madelyn Williams introduced herself to the board and stated she is in attendance to preside over the licensure denial appeal for Dr. Gregory Kraemer. Judge Williams said she will not participate in the findings of fact and the ultimate decision will be made by the board. Judge Williams said Dr. Kramer is represented by Edward Hadley, Esq. and the State is represented by Rainey Erwin, Assistant General Counsel.

Mr. Hadley began the appeal by stating Dr. Kramer, a licensed podiatrist in Georgia, is here to ask the board to review its decision in denying his application for licensure in 2002. Mr. Hadley said Dr. Kramer answered yes to a question on the application regarding disciplinary action which was an error.

Ms. Erwin said the state's concern was that Dr. Kramer admitted to the board that he has had four malpractice actions resulting from his practice of Podiatry, including performing surgery on the wrong foot of a patient.

Upon conclusion of the hearing, Dr. Bizzoco made a motion, seconded by Dr. Long, to accept the findings of fact that Dr. Kramer has a history of medical malpractice in a short period of time and negligence in the field of podiatry. The motion carried.

Dr. Bizzoco made a motion, seconded by Dr. Long, to accept the conclusions of law on the basis of T.C.A. §63-3-119(a)(19) a pattern of continued or repeated malpractice and negligence in the course of the practice of podiatry, for the reason why a license cannot be granted. The motion carried.

Dr. Bizzoco made a motion, seconded by Dr. Long, to accept the policy statement that the board cannot grant Dr. Kramer a license in the State of Tennessee because the board does not feel it can offer the citizens of Tennessee sufficient protection based on the repeated acts of medical malpractice. The motion carried.

A roll call voted was conducted to accept the findings of fact, conclusions of law and policy statement. All members voted in the affirmative.

### **Investigative Report**

Ms. Phelps stated she is the disciplinary coordinator for Investigations and is responsible for tracking practitioners disciplined by the board. Ms. Phelps said six complaints have been received this year with four complaints carried over from last year. Ms. Phelps said six complaints have been closed with no action: one for unprofessional conduct, one for malpractice and four under other, which could be anything from billing disputes to continuing education violations.

### **Disciplinary Report**

Ms. Phelps reviewed the disciplinary report which indicates that one practitioner is currently on probation. Ms. Phelps said she has also enclosed a list of disciplined podiatrists from 1988 to the present.

### **Dr. Perkins to discuss the Tennessee Podiatric Association Conference**

Dr. Perkins made a motion, seconded by Dr. Bizzoco, that the Board of Podiatry be represented at the Tennessee Podiatric Association conference in Nashville and set up a booth to provide members of the association with rule changes, answering questions and other pertinent board business. Upon discussion, the motion carried.

### **Discuss and take action on reciprocal licensees that have not taken the P.M. Lexis Part III examination**

Dr. Bizzoco said he was asked if a license by reciprocity could be obtained for an out of state practitioner, who has not practiced for several years, without taking the PM Lexis.

Dr. Bizzoco said he relayed information that the rules require the P.M. Lexis and could not be rescinded. Dr. Skwor said he had received some telephone calls regarding this issue.

Ms. Armstrong said Rule 1155-2-.04(2) is quite clear about the qualifications for licensure; however, the Practice Act states that the board has the discretion to waive that examination requirement. Ms. Armstrong said by the establishment of the board's rules a precedence has been established that the board wants all reciprocity applicants to have taken the P.M. Lexis Part III, even though the existence of the statute and the Practice Act gives the board the discretion to waive the requirement.

Dr. Bizzoco asked if Ms. Williams can inform the inquiries that it's the board's discretion not to waive the P.M. Lexis Part III. Ms. Armstrong said yes, individuals who call about this subject are directed to the rules which require applicants to have the P. M. Lexis Part III.

Ms. Armstrong suggested the board ask Mr. Kosten to clarify the section of the rules pertaining to Part 1, Part 2 and the P. M. Lexis, which is Part 3, as it can be confusing to applicants.

### **Discuss a possible name change for the board of Registration in Podiatry**

Dr. Skwor stated changing the board's name must be done legislatively and suggested feedback from the association on a name change.

Dr. Perkins said the general membership of the association suggests changing the name to the Board of Examiners in Podiatric Medicine and Surgery.

Ms. Armstrong said the board itself, its existence and authorities are derived from the general assembly. Ms. Armstrong stated the board itself does not submit legislation directly to the general assembly for consideration.

### **Office of General Counsel Report**

Ms. Armstrong said Rule 1155-2-.15, .21 regarding PC/PLLC's and assessment of costs are in the Attorney General's Office for review.

Ms. Armstrong said Rule 1155-3-.03 regarding reciprocity for x-ray operation becomes effective August 15, 2004.

Mr. Armstrong informed the board that OGC has six cases pertaining to the Tennessee Board of Registration in Podiatry.

### **Administrative Report**

Mr. Agee reviewed the administrative report stating there are 214 licensed, 91 retired and 136 failed to renew podiatrists; and, 139 licensed, 1 retired and 26 failed to renew podiatric x-ray operators.

Mr. Agee said between February 26 and August 10, 2004, three licensees have renewed online. Mr. Agee asked the board members to encourage their colleagues to renew online.

Mr. Agee discussed the audit which indicates 77 of the 104 podiatrists audited are in compliance with continuing education requirements and 35 of the 76 x-ray operators audited are in compliance with continuing education requirements.

The board asked Ms. Williams to put discussion of a biannually audit on the agenda for the next meeting.

### **Ratify Podiatry and Podiatric X-Ray Operator Applications**

Dr. Long made a motion, seconded by Dr. Perkins, to ratify the following applications for licensure as Podiatrists:

**Jason R. Bickel, DP**

**Nate A. Brennan, DP**

**Cedric K. Cooper, DP**  
**Christine M. Dull, DP**  
**Jeffrey M. Dull, DP**  
**James C. Gilley, DP**  
**Michael C. Webb, DP**  
**David Franklin, PD**  
**Caroline L. Gannon, DP**  
**David M. Velarde, PD**

The motion carried.

Dr. Long made a motion, seconded by Dr. Bizzoco, to ratify the following podiatry academic applicant:

**Samuel E. Scott**

The motion carried.

Dr. Perkins made a motion, seconded by Dr. Long, to ratify the following applications for licensure as X-Ray Operators:

**Leigh D. Baum**  
**Sheena L. Bowers**  
**Patricia J. Doyle**  
**Denise D. Neidig**  
**Julie Vance**  
**Robin S. Vigus**  
**Amanda Jo Ruth Visk**

The motion carried.

#### **Schedule Board Meeting Dates for 2005**

The following dates were scheduled for the Podiatry Board Meetings in 2005:

February 24, 2005  
August 18, 2005

#### **Election of Officers**

Dr. Long made a motion, seconded by Dr. Bizzoco, to table the election of officers until the February 24, 2005 meeting.

With no other board business to conduct, the meeting adjourned at 4:20 p.m.

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